

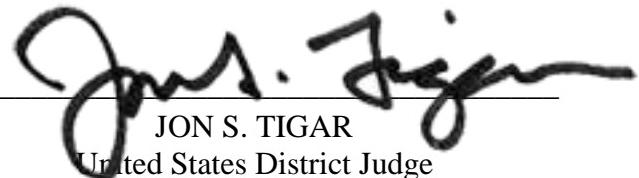
1  
2  
3  
4 ANDERSON PALLATTO LLC,  
5 Plaintiff,  
6 v.  
7 DAVID RIVERA, et al.,  
8 Defendants.

9 Case No. [14-cv-02137-JCS](#) (JST)  
10  
11

**ORDER REMANDING ACTION**

Re: ECF No. 1

12 This action for unlawful detainer was removed to this Court under 28 U.S.C. § 1441(c).  
13  
14 Section 1441 permits defendants to remove an action brought in state court of which the  
15 district courts of the United States have original jurisdiction. See 28 U.S.C. § 1441(a). “If at any  
16 time before final judgment it appears that the district court lacks subject matter jurisdiction, the  
case shall be remanded.” 28 U.S.C. § 1447(c).  
17  
18 Here, Defendants removed this action on the ground it purportedly includes a claim arising  
19 under the Constitution, laws, or treaties of the United States. See Notice of Removal at 2, ECF  
20 No. 1. Defendants contend that the complaint they attached to the notice of removal as “Exhibit  
21 A” is “the entirety of the State Court file.” Id. The complaint shows that the only claim that  
22 Plaintiff has asserted against Defendants is one for unlawful detainer, which arises exclusively  
23 under state law. See id., Ex. A, Compl. Because federal question jurisdiction does not exist,  
24 removal was improper under § 1441(c). Accordingly, the action is REMANDED to the Superior  
Court of Contra Costa County.  
25  
26 **IT IS SO ORDERED.**  
27 Dated: May 29, 2014  
28

  
JON S. TIGAR  
United States District Judge